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February 13, 2004  
Immediate Release

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## **Environment Department Fines LANL \$1.4 Million for Hazardous Waste Violations Uncovered in 2003 Inspection**

(Santa Fe, NM) — The New Mexico Environment Department (NMED) today issued a compliance order to the U.S. Department of Energy (DOE) Los Alamos National Laboratory (LANL) for numerous violations of state hazardous waste management regulations carrying a total civil penalty of \$1.4 million. These violations were uncovered during a comprehensive inspection of LANL by NMED enforcement personnel in April 2003.

This is the 14th compliance order NMED has issued to LANL since 1993 based upon hazardous waste violations uncovered during routine inspections. Based upon this record, LANL has been found to be a significant non-complier and is therefore subject to stiffer penalties for violations. The U.S. Environmental Protection Agency (EPA) defines significant non-compliers as “facilities which have caused actual exposure or a substantial likelihood of exposure to hazardous waste or hazardous waste constituents; are chronic or recalcitrant violators; or deviate substantially from the terms of a permit, order, agreement or from RCRA statutory or regulatory requirements.”

“This is not the sort of record the DOE should be proud of,” said NMED Secretary Ron Curry. “This string of violations year after year puts the lab in some very bad company, rubbing elbows with some of the state’s worst offenders of environmental law.”

The 21 violations listed in the compliance order issued today include failure to sample and analyze hazardous wastes at TA-54, failure to make a hazardous waste determination on five drums of waste abandoned at TA-60, failure to comply with the 90 day storage requirement for certain hazardous wastes at TA-55 and TA-48, failure to maintain operational decontamination equipment for workers in hazardous waste storage areas at TA-54 and 55, and failure to include evacuation routes for workers in emergency plans for hazardous waste storage areas at TA-22.

The state Hazardous Waste Act authorizes the assessment of civil penalties of up to \$10,000 per day for each violation. All penalties paid will go the State of New Mexico Hazardous Waste Emergency Fund where they will be available for emergency environmental clean ups.

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The total civil penalty of \$1,413,931 was calculated using NMED's penalty policy. These penalties were adjusted upward 25 percent based upon LANL's significant non-complier status.

Within 45 days of the receipt of today's order, LANL must provide proof to the state that these violations have been corrected. If this deadline is missed NMED may assess additional civil penalties of up to \$25,000 for each day of continued noncompliance.

LANL has 30 days to request a hearing in this matter. A settlement conference may also be requested with any settlement reached being set forth in a stipulated final order between the parties.

The order was issued to DOE and the University of California, who operates the lab under contract with DOE.

"An abysmal record like this shows why independent environmental oversight of DOE operations at LANL is so important," said Secretary Curry. "It is these sorts of bad environmental practices in the past that have made a comprehensive clean up order necessary. This record also shows why making this order enforceable by the state is essential to ensuring this work gets done right."

NMED is currently in dispute with DOE over a "fence-to-fence" clean up order for the LANL. The state has asserted that a legally enforceable order is the only way to ensure that the facility is cleaned up in a timely and complete manner.

For further information contact Jon Goldstein, Communications Director, NMED at (505) 827-0314.

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